

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MW BUILDERS, INC.,

Plaintiff,

v.

GEMINI INSURANCE COMPANY,

Defendant.

Case No. 17-2275

ORDER

This matter comes before the court on defendant Gemini Insurance Company's Motions to Dismiss (Docs. 10 & 24). After reviewing the pleadings in this case, the court finds plaintiff's amended complaint is insufficient. In the amended complaint, plaintiff states it "adopts and re-avers the allegations of its Complaint, as if copied herein *in extenso*," and then lists each paragraph to be amended and the contents of each amendment. The court recognizes that Rule 10(c) of the Federal Rules of Civil Procedure allows parties to adopt by reference statements from prior pleadings. However, the "safer practice is to introduce an amended pleading that is complete in itself, rather than one that refers to the prior pleading or seeks to incorporate a portion of it." § 1476 Effect of an Amended Pleading, 6 Fed. Prac. & Proc. Civ. § 1476 (3d ed.).

While the court appreciates plaintiff pointing out the specific amendments to the original complaint, it is not the court's job to piece together the amendments in conjunction with the original complaint in order to determine what claims remain and what arguments are still relevant for purposes of ruling on the motions to dismiss. Plaintiff is directed to refile its amended complaint and incorporate both the remaining contents of the original complaint and the amendments in one pleading.

Defendant may then file a motion to dismiss the amended complaint and must address all of its grounds for dismissal in one motion.

IT IS THEREFORE ORDERED that plaintiff file an updated amended complaint on or before September 29, 2017.

IT IS FURTHER ORDERED that defendant's Motions to Dismiss (Docs. 10 & 24) are dismissed without prejudice.

Dated September 12, 2017, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge